

# Board of Zoning Appeals Meeting Minutes-February 6, 2012

## BOARD OF ZONING APPEALS

February 6, 2012

### MEETING MINUTES

Present: Chair John Bradshaw, Members Gifford Childs, Linda Russell, Kim Cash, Goffrey Miles, and Alternate Ron Moyer

Staff: Fred Boger, Planning Director and Melissa Thompson, Secretary

Call to Order: Mr. Bradshaw called the meeting to order at 7:30 P. M.

Minutes of meeting of November 7, 2011: Ms. Cash made the motion that the minutes be approved. Ms. Russell provided the second and the motion passed 5-0.

Variance #2011-004, Jeremiah N. Johnson

Chair Bradshaw offered the swearing-in statement to Mr. Johnson for his signature.

Mr. Boger reported that Mr. Jeremiah N. Johnson had submitted a petition for a variance to reduce the required setback along Eades Lane (Tax Map #58-A-72) from 75 feet from the center of the road to 60 feet to permit the construction of a 25' X 20' cabin. He further stated that Mr. Johnson also planned to restructure an existing shed on the property which has been there for more than fifty (50) years and is located in the required front yard setback. Mr. Boger presented the BZA members with a plat identifying the location of the proposed cabin site. Chair Bradshaw asked Mr. Boger if the variance request had changed. Mr. Boger stated that a variance for the rear was not needed. There was discussion concerning the property lines, a stream and possible well & septic locations.

Mr. Boger referenced Section 11-6-1 of the Zoning Ordinance. Restoration or replacement: Where a conforming structure devoted to a nonconforming activity or where a nonconforming structure is damaged, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within twenty-four (24) months from the date of the damage or destruction. Mr. Boger stated that the shed had had not been used for more than two (2) years.

Mr. Childs suggested the shed be rebuilt somewhere else on the property. Mr. Johnson said he would reconstruct the shed in the side yard as he understood the current location is only 22 feet from the property line.

After detailed questioning of Mr. Johnson by the Board, it was determined that he is actually requesting to build a single family house.

Ms. Cash asked Mr. Boger about the entrance to the property. Mr. Boger stated that Mr. Johnson would have to contact VDOT for approval of the entrance.

The public hearing was opened. No one came forward to speak and the public hearing was closed.

Page2

Ms. Russell made the following motion:

In the matter of Mr. Jeremiah Johnson's request #2011-004, the Board of Zoning Appeals grants a variance for reduction in front yard setback to 60' to allow construction of a single family dwelling with water and sewer to be approved by the Health Department. Furthermore, approval is given to restructure the shed to a new location in the side yard of said family dwelling with a front yard setback of 60'. The basis of this decision is that the hardship is not generally shared by other properties in the neighborhood which makes it a

unique situation.

Mr. Childs offered the second and the motion passed 5-0.

Other Business:

Ms. Barbara Koschara, 691 Old Roseland Road, Roseland, VA asked to address the Board of Zoning Appeals. Chair Bradshaw stated that the public hearing had closed on Mr. Johnson's variance request. Ms. Koschara stated that she understood and that she came to ask why a variance was granted tonight when she was not offered a variance of 55' when she came before the Board. Ms. Russell answered Ms. Koschara saying she had submitted a variance request (#2010-003, August 2, 2010). Ms. Koschara further stated that she thought it was unfair to grant a variance to Mr. Johnson. Ms. Russell explained to Ms. Koschara that the circumstances for the variance requests were different in that her property shared the two front yard issue with several properties on either side of hers whereas Mr. Johnson's single front yard issue is unique to his property. Ms. Koshara continued saying she disagreed and felt the decision to deny a variance for her property was unfair. Ms. Russell said she was very sorry Ms. Koshara felt that way.

Election of Officers:

Ms. Russell made the motion to nominate the existing slate of officers: Chair-John Bradshaw, Vice Chair-Glifford Childs and Secretary-Melissa Thompson to serve for 2012. The motion passed 5-0.

Adjournment: Meeting was adjourned at 8:15 P. M.

Next Meeting: March 5, 2012

Respectfully submitted,

Melissa M. Thompson

Planning Secretary